

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

TAURICE MARQUESE CRISP,)	
)	
Plaintiff,)	
)	
v.)	1:12CV1138
)	
OFFICER TOM TIMMOTHY)	
MADDOXX,)	
)	
Defendant(s).)	

ORDER AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Plaintiff, a prisoner of the State of North Carolina, has submitted a Letter [Doc. #1] addressed “To Whomever it May Concern,” which reads “I’d like to decline all Federal lawsuits and Petitions filed by me Taurice Crisp in your court U.S. District Court Middle District of North Carolina.” Then, on next line below, it states “Officer Tom Timmothy Maddoxx Raped me last night.” As for Plaintiff’s first statement, all of the prior cases he has filed are closed. Therefore, there is no case pending for him to “decline” or dismiss. However, his allegation that he was assaulted by an officer in prison may be an attempt to file a new action. Out of an abundance of caution, the Court will treat the letter as attempting to raise a claim. Further, the nature of the allegation is one that would have to be brought through a civil rights action pursuant to 42 U.S.C. § 1983. Therefore, the Letter will be treated as a Complaint under § 1983. However, the form of the Complaint is such that serious flaws make it impossible to further process the Complaint. The problems are:

1. The Complaint is not on forms prescribed for use by this Court, nor is the information requested by such forms and necessary to process the Complaint pursuant to 28 U.S.C. § 1915A contained in Plaintiff’s submission. See LR 7.1(e).

2. Filing fee was not received nor was a proper affidavit to proceed *in forma pauperis* submitted, with sufficient information completed or signed by Plaintiff, to permit review.
3. The only potential defendant mentioned in the Complaint is Officer Maddoxx. It appears that the officer is not located within this District, but is located in the Eastern District of North Carolina where Plaintiff was housed. Further, it also appears that the events challenged in the Complaint are all alleged to have occurred in the Eastern District. See 28 U.S.C. § 1391(b). The address for obtaining the proper forms and filing the Complaint in that District is: 310 New Bern Avenue, Room 574, Raleigh, NC 27601.

Consequently, the Complaint should be dismissed, but without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects of the present Complaint and is filed in the proper district.¹ *In forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS THEREFORE ORDERED that *in forma pauperis* status is granted for the sole purpose of entering this Order and Recommendation.

IT IS RECOMMENDED that this action be filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 1983 forms, which corrects the defects cited above.

This, the 7th day of June, 2013.

/s/ Joi Elizabeth Peake
United States Magistrate Judge

¹ If Plaintiff chooses to re-file his complaint here in this District, he should correct all of the other matters noted above and should also include a statement addressing the proper venue in this case, for the Court's consideration in determining whether this case should be transferred pursuant to 28 U.S.C. § 1406.